

Message Text

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PAGE 01 STATE 226188
ORIGIN DLOS-09

INFO OCT-01 ISO-00 /010 R

66011

DRAFTED BY:D/LOS:ABERLAND

APPROVED BY:D/LOS:ABERLAND

-----129696 071219Z /47

R 062234Z SEP 78

FM SECSTATE WASHDC

INFO USMISSION USUN NEW YORK 0295

UNCLAS STATE 226188

FOR US DEL LOS

FOLLOWING REPEAT MANILA 15558 SENT ACTION STATE SEP 06.

QUOTE: UNCLAS MANILA 15558

E.O. 11652: N/A

TAGS: PLOS, RP

SUBJECT: LOS: PHILIPPINE POSITIONS ON NAVIGATION AND

- US DEEP SEABED LEGISLATION

REF: MANILA 8703

1. PHILIPPINE POSITIONS ON NAVIGATION AND OVERFLIGHT AND REACTIONS TO PROPOSED US LEGISLATION ON DEEP SEABED RESOURCE EXPLOITATION WERE AIRED DURING LOS COMMITTEE WORKING SESSIONS AT AUGUST 27 TO SEPTEMBER 2 INTERNATIONAL LAW ASSOCIATION MEETING IN MANILA. ACCORDING TO SEPTEMBER 2 PRESS REPORTS, SOLICITOR GENERAL ESTELITO MENDOZA CALLED PROVISIONS OF DRAFT LOS ON PASSAGE OF VESSELS THROUGH A COUNTRY'S INTERNAL WATERS AS "UNREASONABLE IF NOT OPPRESSIVE." MENDOZA SAID THAT PRESENT ARTICLE CONTAINING PROVISIONS ON ARCHIPELAGIC PRINCIPLE "PLACES UNCLASSIFIED

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PHILIPPINES IN A WORSE SITUATION THAN IF ARCHIPELAGIC PRINCIPLE WERE NOT APPLIED." HE ADDED THAT SOME PROVISIONS WOULD RECOGNIZE RIGHT OF OVERFLIGHT OF ALL SORTS OF AIRCRAFT OVER COUNTRY'S INTERNAL WATERS. MENDOZA NOTED THAT PROVISION IN PRESENT ARTICLE OF DRAFT TREATY ("PASSAGE THROUGH NORMAL MODES OF VESSELS") IS MORE LIBERAL THAN "RIGHT OF INNOCENT PASSAGE."

2. MENDOZA WENT ON TO SAY THAT PHILIPPINES HAS INDICATED WILLINGNESS TO RECOGNIZE RIGHT OF INNOCENT PASSAGE OF COMMERCIAL SHIPS "THROUGH USUAL NAVIGATION ROUTES THROUGH THE BASELINES." HE STATED THAT GOP RESERVES RIGHT RE PASSAGE OF WARSHIPS THROUGH HER INTERNAL WATERS.

3. RE SEABED EXPLOITATION, MENDOZA REPORTEDLY STATED THAT PROPOSED US LEGISLATION RUNS COUNTER TO 25TH UNGA REOLUTION 2749 OF DECEMBER 17, 1970 AND UN RESOLUTION 2974D. MURPHY UNQUOTE CHRISTOPHER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: SEABED, LAW OF THE SEA, EXPLORATION, NAVIGATIONAL AIDS
Control Number: n/a
Copy: SINGLE
Draft Date: 06 sep 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 jan 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978STATE226188
Document Source: CORE
Document Unique ID: 00
Drafter: D/LOS:ABERLAND
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780364-0651
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780996/aaaadbrv.tel
Line Count: 73
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 2966fa56-c288-dd11-92da-001cc4696bcc
Office: ORIGIN DLOS
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 78 MANILA 8703
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 29 mar 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1527040
Secure: OPEN
Status: NATIVE
Subject: LOS: PHILIPPINE POSITIONS ON NAVIGATION AND - US DEEP SEABED LEGISLATION
TAGS: PLOS, RP
To: USUN NEW YORK
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/2966fa56-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014